

4426. Misbranding of "Frazier's Distemper Cure." U. S. * * * v. Charles F. Binkley (Binkley Medical Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6358. I. S. No. 4526-e.)

On November 12, 1915, the grand jurors of the United States within and for the District of Indiana, acting upon a report of the Secretary of Agriculture, upon presentment by the United States Attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Charles F. Binkley, trading under the name of the Binkley Medical Co., Nappanee, Ind., charging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on February 22, 1913, from the State of Indiana into the State of Missouri, of a quantity of "Frazier's Distemper Cure," which was misbranded. The article was labeled: (On carton) "Save your horses by using Trade Mark (Picture of two horses) Frazier's Distemper Cure A safe and reliable remedy for the Treatment among Horses of Distemper, Pink-eye, Influenza, Catarrhal-Fever, Shipping-Fever, Coughs & Colds, and other diseases of a similar nature affecting the nose and throat of Horses. Also Sheep and Dogs. Guaranteed under the Pure Food and Drugs Act, June 30, 1906. Serial No. 1295. Price \$1.00 Binkley Medical Co. Sole Proprietors Nappanee, Ind. U. S. A. Shipping Fever, Bronchitis, Heaves, Coughs, Colds and all Nose and Throat diseases same dose as for Distemper. Preventive—10 to 15 drops on the horse's tongue and place the same amount in trough. Worms and Kidney trouble—10 to 20 drops 3 times a day after feeding, place about 5 drops in ground feed. Distemper in Sheep and Dogs. 10 to 20 drops, three times a day. 'Frazier's' is absolutely pure and does not contain any poisonous or Narcotic Drugs mentioned in the Pure Food and Drugs Act. It is perfectly harmless and may be given to Brood Mares, Stallions and young Colts at any time or under any conditions. 'Frazier's' is used and indorsed by Stock Farms, Racing Stables, Breeders, Liverymen, Farmers, and Veterinary Surgeons as an excellent remedy for horses, used for hard and fast work, as it acts directly upon the digestive and respirative organs, and keeps them in good condition. The \$1.00 bottle holds exactly three 50c bottles. Economize and use the \$1.00 size. New style bottle and carton adopted Nov, 1911. For Distemper, Influenza, Pink-Eye, Catarrhal-Fever and Epizootic. Give one teaspoonful before feeding in the morning and $\frac{1}{2}$ teaspoonful after feeding at night for three days in succession, placing it as far back on the horse's tongue as can be done conveniently. If necessary dose can be increased or diminished, dropped or continued. The most convenient way to administer the remedy is to use a wooden paddle with which to give the medicine. Warm if too thick. See booklet inside for Directions." (On bottle) "Save your horses by using Trade Mark (Picture of two horses) Frazier's Distemper Remedy A safe and reliable remedy for the Treatment among Horses of Distemper, Pink-Eye, Influenza, Catarrhal-Fever, Shipping Fever, Coughs and Colds, and other diseases of a similar nature affecting the Nose and Throat of Horses, also Sheep and Dogs. Price \$1.00 Binkley Medical Co. Sole Proprietors Nappanee, Ind. U. S. A. Shipping Fever, Bronchitis, Heaves, Coughs, Colds and all Nose and Throat diseases same dose as for Distemper. Preventive 10 to 15 drops on the horse's tongue and place the same amount in trough. Worms and kidney trouble—10 to 20 drops, 3 times a day after feeding, place about 5 drops in ground feed. Distemper in Sheep and Dogs. 10 to 20 drops, three times a day. Guaranteed under the Food and Drugs Act, June 30, 1906. No. 1295. For Distemper—Influenza, Pink-Eye, Catarrhal-Fever and Epizootic. Give one teaspoonful before feeding in the morning and one-half teaspoonful after feeding at night for three days in succession, placing it as far back on the horse's tongue as can be done conveniently. If necessary dose can be increased or diminished, dropped or con-

tinued. The most convenient way to administer the remedy is to use a wooden paddle with which to give the medicine. Warm if too thick."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nonvolatile matter (per cent)----- 80.44

Turpentine (cc per 100 grams)----- 20

Ash: Trace.

Resins: Present.

Alcohol: Positive.

Alkaloids, phenols, halogens, and creosote: None.

Product is essentially crude turpentine and a black substance resembling wood tar.

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, "Save your horses by using * * * Frazier's Distemper Cure A safe and reliable remedy for the Treatment among Horses of Distemper, Pink-Eye, Influenza, Catarrhal-Fever, Shipping-Fever * * * Heaves * * * and all Nose and Throat Diseases same dose as for Distemper. Preventive—10 to 15 drops on the horse's tongue and place the same amount in trough * * * For Distemper—Influenza * * * Catarrhal-Fever and Epizootic * * *," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure and preventive of distemper, pink-eye, influenza, catarrhal fever, shipping fever, heaves, all nose and throat diseases, and epizootic among horses, sheep, and dogs, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On November 29, 1915, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*